



Office of the Attorney General

State of Texas

April 24, 1992

DAN MORALES  
ATTORNEY GENERAL

Ms. Johanna Barnett  
Assistant City Attorney  
City of Corpus Christi  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

OR92-171

Dear Ms. Barnett:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13896.

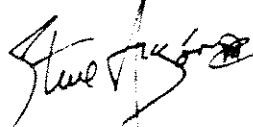
The Corpus Christi Police Chief has received a request for a certain internal investigation file. The requestor is the subject of the internal investigation. You claim that the entire file is excepted from required public disclosure by section 3(a)(3) of the Open Records Act and that some of the information contained in the file is also excepted by sections 3(a)(1) and 3(a)(8).

Open Records Decision No. 555 (1990) held that a section 3(a)(3) exception is applicable when litigation is pending or may be reasonably anticipated and if the requested information relates to that litigation. Section 3(a)(3) forces parties to a lawsuit to obtain relevant information through the normal process of discovery. Open Records Decision No. 551 (1990) at 4.

The requestor demands "a complete copy of this investigation upon its completion so that I may pursue the matter in the civil courts." We conclude on the basis of this assertion that litigation may be reasonably anticipated. Having examined the documents submitted to us for review, we further conclude that the requested information relates to the pending litigation and, unless previously disclosed through the discovery process or by court order, may be excepted from required public disclosure by section 3(a)(3). Please note that this ruling applies only for the duration of the litigation and only for the information at issue here.

Because we resolve your request under section 3(a)(3), we need not address the applicability of sections 3(a)(1) and 3(a)(8) at this time. If you have questions about this ruling, please refer to OR92-171.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragon", with a stylized flourish at the end.

Steve Aragon  
Assistant Attorney General  
Opinion Committee

SA/GK/lmm

Ref.: ID# 13896

cc: M. Deleon  
Senior Officer, Uniform Division  
c/o Corpus Christi Police Department  
321 John Sartain Street  
Corpus Christi, Texas 78401